

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A battery comprising:

a power generating element container;

a positive electrode mixture opposing an inner surface of the power generating element container;

a negative electrode gel provided in the power generating element container and containing a negative electrode active material and an aqueous ~~electrolysis~~ electrolytic solution;

a separator provided between the positive electrode mixture and the negative electrode gel; and

a ~~hydrogen-gas permeable~~ organic polymer sheet provided in an opening of the power generating element container, the ~~hydrogen-gas permeable~~ organic polymer sheet having a water repellence of 2 kPa or more and a He gas permeability at 30°C in a range of 2×10^{-6} to 10000×10^{-6} (cm³ (STP) cm/sec·cm²·cmHg),

wherein a distance between the positive electrode mixture and the ~~hydrogen-gas permeable~~ organic polymer sheet gradually decreases toward a side wall of the power generating element container.

2. (Currently Amended) The battery of claim 1, wherein the ~~hydrogen-gas permeable~~ organic polymer sheet is fixed by a liquid gasket of which junction limit pressure is 80 kgf/cm² or less at the opening of the power generating element container.

3. (Currently Amended) the battery of claim 1, wherein a peripheral edge of the ~~hydrogen-gas-permeable~~ organic polymer sheet is folded toward the positive electrode mixture.

4. (Currently Amended) The battery of claim 1, wherein an air space is provided between the ~~hydrogen-gas-permeable~~ organic polymer sheet and the positive electrode mixture.

5. (Currently Amended) The battery of claim 1, wherein an inclination angle of the ~~hydrogen-gas-permeable~~ organic polymer sheet to a surface of the positive electrode mixture is in a range of 3 degree to 65 degrees.

6. (Currently Amended) The battery of claim 1, wherein a thickness of the ~~hydrogen gas-permeable~~ organic polymer sheet is in a range of 0.1 mm to 3 mm.

7. (Currently Amended) The battery of claim 1, wherein recesses are formed in a surface facing the positive electrode mixture of the ~~hydrogen-gas-permeable~~ organic polymer sheet.

8. (Currently Amended) The battery of claim 7, wherein a depth of the recesses satisfies the following formula (1):

$$0.01X \leq D \leq 0.95X \quad (1)$$

where D is the depth of each recess (μm) and X is a thickness of the ~~hydrogen-gas-permeable~~ organic polymer sheet (μm).

9. (Currently Amended) A battery comprising:

- a negative electrode container;
- a positive electrode mixture provided in the negative electrode container, and holding an aqueous ~~electrolysis~~ electrolytic solution;
- a separator provided between an inner surface of the negative electrode container and the positive electrode mixture; and
- a ~~hydrogen-gas-permeable~~ organic polymer sheet provided in an opening of the negative electrode container, the ~~hydrogen-gas-permeable~~ organic polymer sheet having a water repellence of 2 kPa or more and a He gas permeability at 30°C in a range of 2×10^{-6} to 10000×10^{-6} (cm³ (STP) cm/sec·cm²·cmHg),

wherein a distance between the positive electrode mixture and the ~~hydrogen-gas-permeable~~ organic polymer sheet gradually decreases away from a side wall of the negative electrode container.

10. (Currently Amended) The battery of claim 9, wherein the ~~hydrogen-gas-permeable~~ organic polymer sheet is fixed by a liquid gasket of which junction limit pressure is 80 kgf/cm² or less at the opening of the negative electrode container.

11. (Currently Amended) The battery of claim 9, wherein the ~~hydrogen-gas-permeable~~ organic polymer sheet is inclined in a conical form.

12. (Currently Amended) The battery of claim 9, wherein an air space is provided between the ~~hydrogen-gas-permeable~~ organic polymer sheet and the positive electrode mixture.

13. (Currently Amended) The battery of claim 9, wherein an inclination angle of the ~~hydrogen-gas permeable~~ organic polymer sheet to a surface of the positive electrode mixture is in a range of 3 degree to 65 degrees.

14. (Currently Amended) The battery of claim 9, wherein a thickness of the ~~hydrogen gas permeable~~ organic polymer sheet is in a range of 0.1 mm to 3 mm.

15. (Currently Amended) The battery of claim 9, wherein recesses are formed in a surface facing the positive electrode mixture of the ~~hydrogen-gas permeable~~ organic polymer sheet.

16. (Currently Amended) The battery of claim 15, wherein a depth of the recesses satisfies the following formula (1):

$$0.01X \leq D \leq 0.95X \quad (1)$$

where D is the depth of each recess (μm) and X is a thickness of the ~~hydrogen-gas permeable~~ organic polymer sheet (μm).

17. (Currently Amended) A battery comprising:

a battery case;

a power generating element provided in the battery case and including an aqueous ~~electrolysis~~ electrolytic solution; and

a ~~hydrogen-gas permeable~~ organic polymer sheet provided in an opening of the battery case, the ~~hydrogen-gas permeable~~ organic polymer sheet having a water repellence of

2 kPa or more and a He gas permeability at 30°C in a range of 2×10^{-6} to 10000×10^{-6} (cm³ (STP) cm/sec·cm²·cmHg),

wherein the ~~hydrogen-gas permeable~~ organic polymer sheet has a surface that faces the power generating element and has recesses satisfying the following formula (1):

$$0.01X \leq D \leq 0.95X \quad (1)$$

where D is a depth of each recess (μm) and X is a thickness of the ~~hydrogen-gas permeable~~ organic polymer sheet (μm).

18. (Currently Amended) The battery of claim 17, wherein the power generating element contains at least one of aluminum and aluminum alloy as a negative electrode active material, and the ~~electrolysis~~ electrolytic solution contains at least one ion of sulfate ion and nitrate ion.

19. (New) The battery of claim 1, wherein the organic polymer sheet is formed of a material selected from the group consisting of ethylene fluoride propylene copolymer, polystyrene, polycarbonate, cellulose acetate, ethyl cellulose, low density polyethylene and nylon 6.